

Minutes
Catawba County Board of Commissioners
Regular Session, Tuesday, January 22, 2008, 7:00 p.m.

Cooperative Extension

Appropriation of Grant Funds for LifeSkills II Program 2007-08 23 01/22/08

Information Technology

Partnership with Western Piedmont Council of Governments –
Increase Internet Bandwidth 23 01/22/08

Mental Health

Mental Health Integration Plan 27 01/22/08

Ordinance

Amendment to Chapter 44, Zoning, Sec. 44-430 – Mixed-Use Corridor Overlay
(MUC-O) 2 01/22/08

Planning

Amendments to Sec 44-430 – Mix-Use Corridor Overlay (MUC-O) 2 01/22/08
Renovation of St. Stephens Park and authorization to apply for PARTF Grant 23 01/22/08
Resolution of Support for Clean Water Mgmt Trust Fund/Grant Application
For Mountain Creek Tract on Lake Norman 26 01/22/08

Presentations

Certificate of Commendation for Catawba County Farm Bureau 2 01/22/08

Public Comments

Site for ABC Store 2 01/22/08
David Wilson 2 01/22/08

Public Hearings

Amendments to Sec 44-430 – Mix-Use Corridor Overlay 2 01/22/08

Resolutions

St. Stephens Park – grant application 25 01/22/08
In Support for Clean Water Management Trust Fund 26 01/22/08

Social Services

Changes to Board and Working Outcomes 22 01/22/08

Utilities and Engineering

Bid Award for Landfill Grinder 23 01/22/08

The Catawba County Board of Commissioners met in regular session on Tuesday, January 22, 2008 at 7:00 p.m. in the 1924 Courthouse, Robert E. Hibbitts Meeting Room, 30 North College Avenue, Newton, North Carolina.

Present were Chair Katherine W. Barnes, Vice-Chair Lynn M. Lail and Commissioners Dan Hunsucker and Glenn E. Barger.

Commissioner Barbara G. Beatty was absent.

Also present were County Manager J. Thomas Lundy, Assistant County Manager Lee Worsley, County Attorney Debra Bechtel, Deputy County Attorney Anne Marie Pease and County Clerk Barbara Morris.

1. Chair Katherine W. Barnes called the meeting to order at 7:00 p.m.
2. Commissioner Glenn E. Barger led the Pledge of Allegiance to the Flag.
3. Commissioner Dan Hunsucker offered the invocation.
4. Commissioner Barger made a motion to approve the minutes of the regular meeting and closed session of Monday, December 17, 2007 and the corrected minutes of November 19, 2007. The motion carried unanimously.
5. Recognition of Special Guests: Chair Barnes welcomed everyone present and recognized Randall Isenhower, Chairman of the Newton/Conover City Schools.
6. Comments for Items not on the Agenda.
 - a. Mr. Michael Roth Mr. Michael Roth thanked the Board and staff for the responses he has received regarding concerns he voiced at a previous meeting regarding animal rights. He then expressed his concerns regarding a possible location for an ABC Store in the Sherrills Ford area. The Chair of the Catawba County ABC Board, Mr. Randall Isenhower, addressed various points brought up by Mr. Roth and advised him of the process and hearings, which would take place prior to any final decision on the location of the proposed ABC store, through which citizen input would be received.
 - b. Mr. David Wilson addressed the Board with his concerns regarding property owned by his mother, Ms. Beulah Wilson, the Catawba County Board of Adjustment's decision regarding a change of non-conforming use for the property, and that Board's decision on the extension of non-conforming use for an adjacent property. Chair Barnes advised Mr. Wilson that staff would contact him within 48 hours to make arrangements to discuss his concerns.
7. Presentations:

Chair Barnes presented Clarence Hood, President of the Catawba County Farm Bureau with a Certificate of Commendation recognizing the Catawba County Farm Bureau for outstanding achievement, as the recipient of the first-ever North Carolina Farm Bureau County of Excellence Award and for also receiving the NC Farm Bureau's Legislative Program Award for 2007. The County of Excellence Award recognizes the Catawba County Farm Bureau's organizational structure, leadership development and success in raising the visibility of the Farm Bureau. The Legislative Award recognizes the Catawba County Farm Bureau for its effectiveness in legislative involvement, through frequent communication with elected officials at the local, state and national levels.
8. Public Hearings:

Jacky Eubanks, Planning Director, presented a request for the Board to consider amendments to Sec. 44-430 – Mixed-Use Corridor Overlay (MUC-O) of the Unified Development Ordinance and expansion of the MUC-O district on the Official Zoning Map to incorporate the regional commercial/mixed use center at the intersection of Hwy. 150 and 16 as identified in the Sherrills Ford Small Area Plan. The Board was requested to conduct a public hearing on the proposed text and map amendments with subsequent adoption.

With the construction of the new Hwy. 16 bypass in the southeast area of Catawba County comes pressure for development. This was realized during the Sherrills Ford Small Area Plan process where citizens in the community identified this area as a regional commercial center to accommodate larger-scale development. In order to balance the interests of development with good design, the Board of Commissioners implemented a Mixed-Use Corridor Overlay (MUC-O) district along Hwy. 150 when the Unified Development Ordinance was adopted in February 2007. The MUC-O provides higher development standards which address driveway connections, building materials, types of businesses allowed, etc.

As new development requests are being considered near the new Hwy. 16 interchange and along the existing Hwy. 16 corridor, concerns have been raised that the same design standards should apply to these areas; however, flexibility should be incorporated to accommodate larger-scale

development. With this in mind, staff proposed broadening the MUC-O zoning district to include the area identified as the regional commercial center in the Sherrills Ford Small Area Plan. Staff also proposed amendments to the text to allow for larger-scale development in the MUC-O with flexibility in the design standards. In order to incorporate these changes, the text of the MUC-O must be amended as well as the County's Official Zoning Map.

The following is an overview of the amendments proposed to the text of the MUC-O with a reference to the sections in the proposed revised ordinance:

- Apply the MUC-O to the Regional Commercial/Mixed-Use Center at the intersection of Hwy. 150 and 16 as depicted in the Sherrills Ford Small Area Plan. (Sec. 44-430.01 and 44-430.02)
- Clarify the list of prohibited uses to indicate that the uses listed are for principal uses and not accessory uses. Many of the uses listed in the table would be allowed as accessory to retail and other large-scale commercial development. (Table 44-430.05-1).
- Allow for an exception to the 65,000 square foot building size when considered as part of a rezoning to a planned development special district. This would accommodate larger-scale development at the Hwy. 150/16 intersection as contemplated by the Sherrills Ford Small Area Plan. (Sec. 44-430.07(a))
- Incorporate existing standards in the planned development special district section to require building front facade recessions and projections for buildings exceeding 75,000 square feet. (Sec. 44-430.07(e)(1))
- Allow for an increase in the blank wall length from 20 to 40 feet for buildings 75,000 square feet or less and to 60 feet for buildings greater than 75,000 square feet. Additional options are offered for breaking up the blank walls, which include awnings, murals, framed openings, along with a reduction in the percentage of area from 30% to 20%. The existing standard was based on a typical storefront within a village center or a dense urban setting, which is not the type of development projected or anticipated within the corridor. (Sec. 44-430.07(e)(2) a. and b.)
- Provide options for allowing the outside display/storage of sales product subject to screening with landscaping, decorative fencing or a berm/landscaping combination, which is consistent with the screening requirements for open storage in the Unified Development Ordinance. Also allow for the outside display under a roof overhang area provided that the walkway is unobstructed. (Sec 44-430.07(j))
- Allow an exception to the foundation planting requirement for buildings greater than 75,000 square feet by providing large planters at the entrances of the building. This would provide an option to a high-maintenance landscape strip planted across the front expanse of a large-scale building. (Sec. 44-430.11(f))
- Allow an exception to the number of parking spaces, light fixture height, on-premise sign and wall sign requirements for planned developments within the MUC-O to encourage design flexibility and creativity negotiated during the rezoning process. (Sec. 44-430.12, Sec. 44-430.14 (a)(3), Sec. 44-430.15(a))

Upon the approval of the proposed MUC-O text amendments, the County's Official Zoning Map will be amended to incorporate the regional commercial/mixed use center at the intersection of Hwy. 150/16 into the Mixed Use Corridor Overlay district. The MUC-O currently exists along a 500-foot wide corridor on both sides of NC Highway 150. The expansion of the MUC-O will affect approximately 150 properties, with some properties being located entirely within the overlay and others being only a portion of the property.

The proposed amendments to the MUC-O text and zoning map have been advertised in the local newspapers and six signs have been posted within the corridor. Also, individual letters have been sent to the affected and adjoining property owners notifying them of the proposed amendments and the opportunity to provide public comment at the Board's meeting. Staff received phone calls from ten property owners, with one indicating his opposition to the proposed changes and the others having general questions.

Staff recommended the proposed amendments to the text of Sec. 44-430 – Mixed-Use Corridor Overlay district with the accompanying amendment to the MUC-O district on the County's Official Zoning Map. Staff also recommended that the Board adopts the consistency statement which indicates that the proposed zoning map amendment is consistent with the Sherrills Ford Small Area Plan based upon the following:

- 1) The Future Land Use Map designates this area as a regional commercial/mixed use center designation in the plan; and
- 2) The Guiding Principles recommend appropriate design standards in this area with flexibility to offer creative land design

The Planning Board conducted a public hearing on the proposed amendments at its December 20, 2007 meeting. Eight citizens were in attendance with two speaking during the public hearing portion of the meeting. Bradley May, representing the Southeast Chapter of the Chamber of Commerce, stated that they support the changes but also had other areas of the MUC-O ordinance that they would like to see addressed in the future. Scott Gilleland also spoke in support of the amendments due to the changing characteristics of the Hwy.16 area.

Ed Neill made a motion to recommend the amendments to the text of the MUC-O as presented. He also recommended that the Official Zoning Map be amended with an exception of the General Industrial (GI) zoned properties owned by Martin-Marietta and leased from Roger Lee being used for rock quarry operations. The Planning Board voted 8-0 in favor of the motion and found the rezoning to be consistent with the Sherrills Ford Small Area Plan.

Chair Barnes asked to clarify what was being addressed – when talking about the prohibited principal uses – it appeared confusing – Mr. Eubanks acknowledged that confusion and said this clarified there could be accessory uses – just not a stand-alone business. – so the table in question will be reviewed to clarify what uses could fall under the accessory uses, not the principal uses. Chair Barnes clarified that was step two in this process and the Board on this night was evaluating was not so much the table, but the expansion of the Mixed Use Commercial Overlay District. Commissioner Barger said he understood that the Eastern Catawba Chamber was going to have an opportunity to look at the present restricted businesses and make recommendations back to the Board and the Board had been very accommodating to the larger businesses and he would assume the Board would be that open to other businesses that had been restricted in this area if in fact guidelines could be set up to accommodate those. Mr. Eubank confirmed this.

Chair Barnes wanted to ensure they had clarified prior to public comment that the issues clarified above were what were at issue at this meeting.

Chair Barnes then opened the public hearing, noting it had been duly advertised. The following people spoke:

Bradley May – 3461 Beatty Road, Sherrills Ford – Chair of SE Area Council – Thanked everyone for the hard work on the amendment. Council supports the amendment, however, has serious issues with the prohibited uses. Asked staff and Board to work with them. He stated the UDO was long and complex and should be continually revisited from time to time to make it is right.

Jerry Campbell – Wexford Ct, Gastonia – speaking on behalf of Chamber Land Use Board – there are two things that need to be addressed – looking at the UDO – (1) specifically the MUC-O, the prohibited uses need to be reviewed; and (2) Education – work together to help the business and development community and citizens to understand where the County is headed and what direction we want to take and what has been accomplished, because there is a lot of misunderstanding. He noted Mr. Eubanks and Mr. Lundy were going to meet with this group in February to discuss the prohibited uses. He said they were very pleased with the UDO and their involvement in its development.

No one else came forward to speak. Chair Barnes closed the public hearing. She said the UDO was never to put on the shelf and allowed to collect dust – it is a living, breathing document that will need to be tweaked over time and the Board is willing to have as many minds as possible contribute to the decisions regarding this document.

Chair Barnes called for a motion to adopt the consistency statement, the text amendments, the expanded overlay district and the applicable zoning map amendment.

Commissioner Barger wanted to clarify what the anticipated date was for opening the intersection at Hwy 16 – Mr. Eubanks said there was no definitive date but the anticipate year was 2010.

Commissioner Hunsucker made the motion. The motion carried unanimously. The following ordinance change and consistency statement were adopted.

ZONING MAP AMENDMENT CONSISTENCY STATEMENT

On January 22, 2008, the Catawba County Board of Commissioners conducted a public hearing for the purpose of considering a zoning map amendment to incorporate approximately 150 parcels at the intersection of Highway 150/16 into the Mixed-Use Corridor Overlay (MUC-O) district.

Upon considering the matter, the Catawba County Board of Commissioners finds the rezoning to be consistent with the Sherrills Ford Small Area Plan and approves the zoning map amendment. This recommendation was affirmed by a vote of ____-____ of the Catawba County Board of Commissioners.

Ordinance No. 2008-____

BE IT ORDAINED that the Catawba County Code of Ordinances, Chapter 44, Zoning, Sec. 44-430, Mixed-Use Corridor Overlay (MUC-O), is hereby amended to read as follows:

Sec. 44-430. Mixed-Use Corridor (MUC-O).

Purpose: This district's standards relate to building form, design, signage, landscaping, parking, access management, and appearance. This district may be used to accomplish one or more of the following public purposes:

- ◆ *Provide a mixed-use corridor with connections to a Village District;*
- ◆ *Provide a walkable mixed-use area that is inviting to pedestrians and convenient for the traveling public;*
- ◆ *Establish higher development standards along major road corridors in the County;*
- ◆ *Provide a mixture of commercial, office and residential uses; and*
- ◆ *Establish building form and architectural standards compatible with the historical character of the area.*

Sec. 44-430.01 Plan Consistency.

The MUC-O district is established to implement the following small area plan land use categories:

- (a) Sherrills Ford Village-Mixed Use, Hwy. 150 Corridor Commercial & Office/Institutional and Regional Commercial/Mixed Use Center designations;
- (b) St. Stephens/Oxford Highway Commercial & Office/Institutional Corridor and Mixed-Use Corridor designations; and
- (c) Mountain View Highway Corridor Commercial & Office/Institutional designation.

Sec. 44-430.02. Boundaries.

Where any uncertainty exists with respect to the boundary of any district as shown on the zoning map, the district is deemed to extend from the edge of the right-of-way of the corridor road as designated in this Section. Where additional uncertainty exists, the regulations under Sec. 44-402 shall apply. If the Chapter does not indicate otherwise, both sides of the road are considered a

corridor road. For purposes of this section, the following road segments are designated as corridor roads:

(a) NC Hwy. 150:

(1) From the Catawba River to the Lincoln County line, with exception of a section from the Seaboard Coast railroad right-of-way, located west of Slanting Bridge Road (SR 1844), extending west to the bridge of the Mountain Creek arm of Lake Norman. The district extends 500 feet from the edge of the right-of-way on both sides of Highway 150 and is referred to as the "Hwy. 150 Corridor"; and

(2) The regional commercial/mixed use center at the intersection of Hwy 150 and Hwy 16 as designated in the Sherrills Ford Small Area Plan.

(b) NC Hwy. 16:

(1) Hwy. 16 North from the planning jurisdiction of the City of Conover to 1000 feet north of the intersection of C & B Farm Road (SR 1487) extending 1000 feet from the edge of the right-of-way on both sides of Hwy. 16, referred to as the "Greater Rock Barn Economic Development District."

(2) Hwy. 16 South extending 500 feet from the edge of the right-of-way on both sides of Hwy. 16 at the following rural commercial nodes designated in the small area plans:

- a. Smyre Farm Road (SR 1884) and Bethany Church Road (SR 1804);
- b. Balls Creek Road (SR 1810) and Providence Mill Road (SR 1810); and
- c. Buffalo Shoals Road (SR 1003)

referred to as the "Hwy. 16 South Commercial Node District."

(c) Rock Barn Road (SR 1709) from the planning jurisdiction of the City of Conover to 3500 feet north of the intersection of St. Johns Church Road (SR 1712) extending 1000 feet from the edge of the right-of-way on both sides of Rock Barn Road, referred to as the "Greater Rock Barn Economic Development District."

(d) Springs Road (SR 1453) from the planning jurisdiction of the City of Hickory to the intersection of County Home Road (SR 1484) extending 500 feet from the edge of the right-of-way on both sides of Springs Road, referred to as the "Springs Road Corridor."

(e) NC Highway 127 from the planning jurisdiction of the City of Hickory to the intersection of Mountain Grove Road (SR 1128) extending 500 feet from the edge of the right-of-way on both sides of Hwy. 127, referred to as the "Hwy. 127 Corridor."

Right-of-way, as referenced above, is defined as the land within the legally defined property whose title vests in the state and is designated or intended for highway purposes.

Sec. 44-430.03. Applicability.

This Section applies to all land designated as the MUC-O on the zoning map.

(a) Except as provided in Subsection (4) below, the MUC-O district applies to the extent that there is any inconsistency between the MUC-O district and the underlying general or special use district.

(b) This Section applies to any of the following activities within the MUC-O district:

- (1) Any change of use;
- (2) Any minor or major expansion to an existing commercial structure as noted in Table 44-430.03-1;
- (3) Any development of vacant tracts that occurs after the effective date of this Section; and
- (4) Any subdivision of land.

(c) This Section does not apply to existing single-family, site-built or manufactured homes or duplexes that are used for residential purposes. Additions to such structures or accessory uses are permitted subject to the zoning requirements of the district and Sec. 44-404. Existing single-family, site-built or manufactured homes and duplexes that are partially or fully destroyed may be rebuilt or repaired as a matter of right as allowed in Sec. 44-705(b). If a tract of land is vacant at the time this Chapter is adopted, a single-family home may be constructed on the property as a matter of right subject to other applicable zoning regulations contained within this Chapter.

(d) The applicant may propose actions, designs, or solutions (hereinafter "alternative standards") that are not literally in accord with this Section but that embody its spirit. Alternative standards may be approved provided that they comply with the spirit of the regulations in the particular case, and that the public purposes of this Section are satisfied to an equivalent or greater degree.

(e) Compliance with this Chapter is required in accordance with Table 44-430.03-1.

Table 44-430.03-1. Compliance table, MUC-O District.

C = Compliance with all applicable standards required										
R = Retrofit to the extent practical as determined by the planning director. An appeal of the planning director's decision shall follow the process detailed in Sec. 44-305.										
Existing building expansion (minor): Expansion to buildings less than or equal to 25% of the current leasable/heated area.										
Existing building expansion (major): Expansion to buildings greater than 25% of the current leasable/heated area.										
	Site standards	Building design standards/site appearance	Driveway connection/access management	Streetscape landscaping	Buffering and screening	Landscaping of parking areas	Parking	Pedestrian design	Site lighting	Signs
Parking area expansion (minor 12-24 spaces)	N/A	N/A	R	R	R	R	R	R	R	N/A
Parking area expansion (major 25 or more spaces)	N/A	N/A	R	R	C	C (for new spaces only)	C	R	C	N/A
Change of use	R	R	R	R	R	R	R	R	R	R
Existing building expansion (minor)	R	R	R	R	R	R	R	R	R	R
Existing building expansion (major)	C	C	R	R	C	C	C	C	C	C
New building construction undeveloped site (including outparcels)	C	C	C	C	C	C	C	C	C	C

Sec. 44-430.04. Site plan required.

Any person wishing to develop a lot or parcel in the MUC-O is encouraged to have at least 5 acres incorporated into an integrated site plan. A site plan for parcels less than 5 acres that existed prior to the adoption of the MUC-O District may be accepted by the planning director if a determination is made that practical difficulties exist and all opportunities have been exhausted. In addition, the site plan may be considered provided that the development standards in the MUC-O district are met to the extent feasible. A separate zoning site plan must be submitted showing applicable Chapter requirements. An architectural plan must also be submitted indicating compliance with the applicable building design and site standards.

Sec. 44-430.05. Uses.

(a) Uses allowed in the MUC-O District are those that would typically occupy smaller scale commercial/retail/office type uses where the general public would utilize specific goods and services.

(b) The uses allowed in the RC, HC, and O-I districts as shown in Table 44-403-1 - Use Matrix are permitted in the MUC-O District. In addition, multi-family development is permitted to the extent that it is a portion of a mixed-use project and does not comprise more than 50% of the gross square footage of the overall development. A family subdivision, as defined in this Chapter, is allowed provided that no more than 2 driveway cuts and/or rights-of-ways are created which connect to the corridor road. Where the tract of land has 1000 feet or more of corridor road frontage, a family subdivision will be allowed with up to 3 driveway cuts and/or rights of way connecting to the corridor road.

(c) The following uses are prohibited in the MUC-O District (excluding land areas in the Highway Commercial (HC) nodes along Hwy. 16 South as referenced in Sec. 44-430.02(b)(2). The Highway 16 South nodes allow all permitted uses listed in Table 44-403-1 under the HC category.

Table 44-430.05-1. Prohibited principal uses in MUC-O District.

The following list of prohibited principal uses are applicable to the MUC-O district with exception of the land areas in the Highway Commercial (HC) nodes along Hwy. 16 South as referenced in Sec. 44-430.02(b)(2). The Highway 16 South nodes allow all permitted uses listed in Table 44-403-1 under the HC category):

Amusement park/arcade (outdoor or indoor)	Farm supplies	Nightclub
Armory	Firing/shooting range (indoor)	Open storage
Auto repair or auto service shops	Flea market (indoor)	Par-three golf
Auto storage or salvage yards	Golf driving range	Pawnshop
Auto, truck, boat, recreation vehicle and motorcycle sales	Greenhouse, commercial	Radio and television studio
Batting cage	Industrial supplies and equipment	Rental of domestic vehicles
Billiard or Pool hall	Lawn and garden	Roadside stand, commercial
Boardinghouse, rooming house	Lumber and building materials sales	Sanitarium and mental institution
Bus terminal	Manufactured/modular home and recreational vehicle sales	Subdivision of land for non-family, single-family residential uses
Campgrounds	Manufacturer's showroom	Telecommunication facilities,

		wireless
Carwash (free standing)	Miniature golf	Television and/or radio tower facilities
Cemetery, human public	Mini-warehouse	Warehouse
Cemetery, pet	Monument sales	Wholesale distribution
Circus, carnival and fair	Motor vehicle repair, major	Wood waste grinding operations (industrial)
Dragstrips or racetracks	Motor vehicle repair, minor	Zoo
Dry storage facilities	Movie theater (drive-in)	
Equipment rental	Municipal garage	

Sec. 44-430.06. Site standards.

(a) *Scope.* The standards and regulations in this section should be adhered to for all development in the MUC-O District. The general provisions include:

(1) *Long-range plans.* The development must conform to all long-range plans concerning such issues as road building and utility extensions.

(2) *General site design.* In general, the site design must attempt to reduce cut and fill; protect groundwater resources; avoid unnecessary paved surfaces; provide adequate access and promote visual attractiveness.

(3) *Suitable sites.* The site must be suitable for development in the manner proposed without hazards to persons or property, on or off the site, free from the probability of flooding, erosion, subsidence or slipping of the soil, or other dangers. Conditions of soil, groundwater level, drainage and topography shall all be appropriate to both the kind and pattern of use intended.

(4) *Unified site planning.* If appropriate to the form of development, lands included in the MUC-O may be divided by streets, alleys, rights-of-way or easements, but must be so located, dimensioned and arranged as to permit unified planning and development and to meet all requirements in connection and to provide necessary protection against adverse relationships between uses in the district and uses in surrounding areas.

(b) *Preservation.* Protecting environmentally sensitive land, open space and historical sites should be given high priority in site design. More specifically the following must be preserved whenever feasible:

(1) *Wetlands.* Wetlands as defined through field inspection by the U.S. Army Corps of Engineers;

(2) *Floodplains.* Lands in the floodplain as identified on FEMA flood hazard maps;

(3) *Steep slopes.* Slopes in excess of 20% over intervals of 10 feet or more; and

(4) *Historic sites.*

(c) *Dimensional requirements for lots within a site plan.* Subdivision of land in the MUC-O District requires review and approval of a site plan. Individual lots in the MUC-O District must conform to Table 44-430.06-1.

Table 44-430.06-1. Dimensional standards, MUC-O District.

Minimum lot size	20,000 square feet
Minimum lot width	100 feet
Building setbacks, measured as the minimum distance measured from the edge of the street right-of-way and/or nearest property line to be as follows:	
Front setback on internal streets	10 feet
Side setback (principal structures)	6 feet, or 0 feet for attached buildings
Rear setback (principal structures)	20 feet or 30 feet if adjacent to a residential use or district
Setback required from corridor road	35 feet
Accessory structures, side/rear setback	0 feet
Encroachments	Canopies and awnings may encroach into the front setback up to 8 feet

Figure 44-430.06-1. Dimensional standards, MUC-O district**Sec. 44-430.07. Building design standards/site standards.**

These standards provide building designs that accommodate diversity in style and building materials striving to define a distinct character while maintaining a high quality of development standards. Buildings are oriented to maximize the convenience of pedestrian walkability. These standards further provide development patterns that avoid the excessive linear expansive rooflines of strip plazas.

- (a) *Building size.* For buildings exceeding an aggregate square footage of 50,000, a planned development special district rezoning is required in accordance with Sec. 44-443. Individual buildings within the MUC-O cannot exceed 65,000 square feet of gross floor area. An exception to building size may be considered, during the rezoning process, for a village center or a planned development special district.
- (b) *Street line preservation.* Where a major or minor thoroughfare is planned to be built or widened and initial roadway design and right-of-way locations have been completed, all building setbacks must be measured from the expanded right-of-way for these improvements. Future roads or road improvements that are shown on the urban area transportation plan or the County's thoroughfare plan must be indicated on any subdivision plat, site plan, or zoning authorization permit applications. Buildings and structures must be located outside the

proposed right of way or pavement edge of such improvements where these locations are indicated on the urban area transportation plan or the County's thoroughfare plan.

(c) *Type of construction.* The following standards must be met for building construction in the MUC-O.

(1) *Building front.* Ribbed paneling consisting of vinyl or metal material, or unpainted cinder blocks are prohibited as the building material for the front of a building facing a public right-of-way. For the purposes of this Subsection, buildings located on corner lots are only considered to have one front.

(2) *Façade(s) visible from a publically dedicated right-of-way.* Building façade(s) consisting of ribbed vinyl or metal material, or unpainted cinder blocks are prohibited along the portion(s) of the building which are visible from public rights-of-way. An exception can be made where a solid vegetative screen exists or is installed which shields that portion of the façade(s) from public view, as determined by the planning director.

(3) *Façade(s) not visible from a publically dedicated right-of-way.* Sides not visible from public rights-of-way may use ribbed paneling, painted cinder blocks or other materials.

(4) *Type of building materials encouraged.* Examples of building materials which are encouraged include masonry, wood, fibrocement product, such as hardiboard, textured vinyl and stucco and other new and innovative materials as they become available in the marketplace.

(d) *Roof pitch.* Roof pitches less than 3/12 and flat roofs will require a parapet wall. A pitched roof must be profiled by eaves a minimum of 6 inches from the building face or with a gutter. Convenience store canopies cannot have a consistently flat roof. The pitch of the canopy and exterior materials must resemble the roof of the principal structure.

Figure 44-430.07-1 Convenience store canopy with roof form that resembles principal structure.



(e) *Front facade treatment.* Front facades include facades abutting public or private street rights-of-way, excluding rear elevation facades. Architectural elements like windows and doors, bulkheads, masonry piers, transoms, cornice lines, window hoods, awnings, canopies, and other similar details must be used on all facades fronting public or private street rights-of-way. Building wall offsets, including projections, recesses, changes in floor level, must be used in order to: relieve the visual effect of a single, long blank wall. These features are all designed to encourage a pedestrian friendly environment, add variety and provide interest.

(1) For buildings greater than 75,000 square feet, where the front facade including the main entrance is greater than 60 feet in length, at least 33% of the length must contain recesses and projections of 4 feet or more from the primary building line.

- (2) The first floor of all building facades, fronting the public or private street rights-of-way, regardless of building size must be designed to complement architectural aesthetics by:
 - a. Limiting blank walls to no more than 40 feet in length for buildings 75,000 square feet or less;
 - b. Limiting blank walls to no more than 60 feet in length for buildings greater than 75,000 square feet; and
 - c. Including glass windows or doors, false window panels/treatments, awning, murals or framed openings comprising at least 20% of the wall area.
- (3) Roofline offsets should be provided to lend architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.
- (4) Building facades having public access shall be separated at least every 400 feet by either a street or pedestrian amenity such as park benches, gazebos, water features, etc.
- (5) Ventilation grates or emergency exit doors at the first floor level in the building facade, which are oriented to any public street, must be decorative.

Figure 44.430.07-2 Pedestrian friendly design features.



- (f) Building entrances.
 - (1) The main customer entrance for a building must face public or private streets.
 - (2) All sides of a principal building that directly face an abutting public street must include at least one customer entrance.
 - (3) Customer entrances must include at least 3 of the following:
 - ◆ canopies or porticos;
 - ◆ roof overhangs;
 - ◆ recesses/projections;
 - ◆ arcades;
 - ◆ raised corniced parapets over the door;
 - ◆ peaked roof forms;
 - ◆ arches;
 - ◆ outdoor patios;
 - ◆ display windows;

- ◆ architectural details such as tile work and moldings which are integrated into the building structure and design; or
 - ◆ integral planters or wing walls that incorporate landscaped areas and/or places for sitting.
- (4) Service entrances for shipping and receiving must not be visible from a public street.
- (g) *Site appearance.* The site design and overall appearance should achieve proportionality and connectivity with adjacent sites to the extent possible while recognizing that individual businesses and uses developed within the corridor are separate and have unique characteristics.
- (h) *Underground utilities.* All on-site utilities (electrical, telephone, etc.) must be located underground unless technical restrictions exist for doing so. Provisions must be made to significantly reduce the visual blight of any aboveground utilities.
- (i) *Paving materials.* Permitted paving materials for crosswalks, sidewalks, and similar pedestrian pathways include brick, concrete (aggregate exposed finish), cement pavers, brick pavers or materials that are similar in appearance and durability. Breaking pavement patterns is to establish pedestrian spaces, which can be more easily recognized by the motoring public thus increasing a high level of safety for both parties.
- (j) *Outside display/storage.* Outside display or storage of inorganic product must be screened from any state maintained road in accordance with Sec. 44-523(f)(2) and Sec. 44-523(f)(3). Product can be displayed under a roof overhang area without screening; however, a defined unobstructed walkway of 5-feet must be maintained along the entire frontage of the building.

Sec. 44-430.08. Multi-family residential use and design standards.

- (a) Multi-family development is allowed only if it is a portion of a mixed-use development and does not comprise the majority of the development. Multi-family development can include apartments, townhomes, rowhouses, or duplexes.
- (b) The multi-family development must be connected by vehicular and pedestrian ways to the mixed use commercial and/or office uses.
- (c) To encourage uniformity along a street, consistent setbacks for residential units apply.
- (d) Front-loaded garages, where constructed for multi-family developments, should be at least 10 feet behind the primary plane of the front facade of the residential structure.
- (e) On-street parking for multi-family development is allowed and is encouraged to be located adjacent to public open spaces and parks.
- (f) Sidewalks, for multi-family developments, must be provided on one side of residential streets with a minimum 5-foot width.

Sec. 44-430.09. Driveway connection/access management.

- (a) *Driveway connection/access management.* The minimum distance between a new driveway and an existing state road intersection must conform to the requirements in Table 44-430.09-1 below. Where the NCDOT Policy on Street and Driveway Access to North Carolina Highways conflicts with these regulations, the stricter of the standards applies. The minimum distance between four-way intersections on a corridor road is 1,500 feet.

Table 44-430.09-1. Driveway connections/access management, MUC-0 District.

Frontage (feet)	Number of Driveways Allowed	Minimum Spacing (feet)
Less than 500	1	N/A

501-999	2	400
More than 1000	3	400

Figure 44-430.09-1 Driveway connections/access management, MUC-O district.



- (b) *Internal street separation.* Internal streets shall be separated by a minimum of 200 feet.
- (c) *Off-site traffic improvements.* The requirements of Sec. 44-446.09(d) apply to the MUC-O District.
- (d) *Shared access.* The requirements found in Sec. 44-446.09(e) apply to the MUC-O District.
- (e) *Connected interior driveways/parking.* The requirements found in Sec. 44-446.09(f) apply to the MUC-O District.
- (f) *Channelization.* Channelization improvements must be installed where significant turning conflicts are involved with the new development. "Channelization" means the separation of conflicting traffic movements into well-defined paths of travel by traffic islands or significant pavement markings.
- (g) *Signalization.* Only after all other traffic improvements have been explored may signalizations be installed.
- (h) *Street design.* All streets must be designed and paved to meet NCDOT standards. Streets can be designated as either public or private. Neighborhood streets must be designed for a maximum 30 mph speed limit.
- (i) *Cul-de-sac length.* Cul-de-sac street segments (street portion between intersections), designed to be so permanently, shall not be longer than 500 feet to the beginning of the turning point. Exceptions can be made in cases where unusual land configuration, topography or interconnectivity dictates otherwise, as determined by the approval authority.

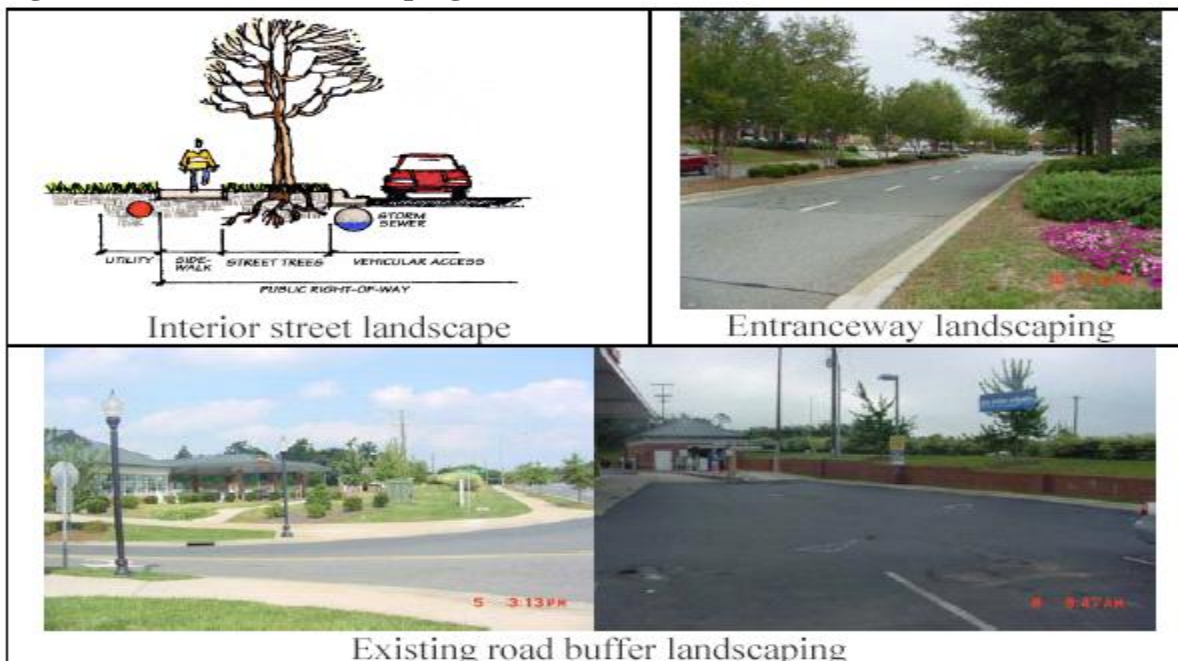
- (j) *Block length.* Block lengths cannot exceed 1000 feet. Exceptions can be made in cases where unusual land configuration, topography or interconnectivity dictates otherwise, as determined by the approval authority.
- (k) *Curbing.* Interior streets must be curbed. The standard 2-foot 6-inch curb and gutter section is preferred; however, concrete valley gutter is an allowable type.

Sec. 44-430.10. Streetscape landscaping.

(a) *Existing road buffer and interior street landscaping.* All public interior streets and development fronting along corridor roads must provide the following along all street frontages:

- (1) A 3 to 5-foot landscape strip between the curb and sidewalk, subject to NCDOT approval.
- (2) A minimum 5-foot wide sidewalk on both sides of street for mixed-use development, subject to NCDOT approval.
- (3) A 10-foot (minimum) landscape strip behind the right-of-way (within the front setback).
- (4) Street trees must be planted adjacent to the sidewalk and must meet the following.
 - a. Three shade trees are required for every 100 linear feet of lot frontage.
 - b. Each tree, at the time of installation, shall have a clear trunk height of at least 5 feet and a minimum caliper of 2 inches. The tree must be a minimum 15-gallon container size or balled and burlapped at time of planting. An appropriate mulch bed must be provided around the tree.
 - c. A shade tree should achieve a mature height of over 20 feet and a mature spread of at least 15 feet. Mature height should be no less than 20 feet unless overhead utilities are in the planting area.
 - d. All trees planted within the right-of-way shall require approval by NCDOT through an encroachment agreement.
- (b) *Entranceways.* Multi-tenant, multi-parcel or multi-building developments must install a median-type entranceway at all entrances on major or minor thoroughfares, subject to NCDOT approval. The median must be grassed and landscaped with shrubbery and small decorative trees.

Figure 44-430.10-1. Landscaping, MUC-O district.



Sec. 44-430.11. Buffering and screening.

- (a) *Residential buffers.* When the district directly abuts a residential zoning district, a landscaped buffer meeting the requirements found in Sec. 44-523(f) is required.
- (b) *Water body buffers.* When natural bodies of water are on site, the requirements found in Sec. 44-446.10(i) apply.
- (c) *Solid waste screening.* Solid waste or trash handling areas must be screened from adjacent properties and from public view, including rights-of-way, by an enclosure constructed of materials compatible with the materials on the front building wall of the principal building. All areas must have a solid and closeable gate.

Figure 44-430.11-1 Solid waste screening.



(d)

Mechanical equipment screening. All mechanical equipment, such as air conditioners or pumps, must be screened from view of all streets, public places and neighboring properties, through the use of features such as berms, fences, building walls, false facades, or dense landscaping. Chain link fencing cannot be used. Mechanical equipment on rooftops must be screened from the view of the street with parapets, designed features and other materials compatible with the building and suitable for screening.

- (e) *Maintenance area screening.* All loading and service areas must be screened from view of all streets and adjoining properties of less intensive use with a buffer meeting the requirements of Sec. 44-523(f). If the loading area abuts the perimeter buffering, the loading area is not required to be screened.
- (f) *Foundation plantings.* The pedestrian entranceway and/or surface parking facilities must be separated from the exterior wall of any principal structure by a landscape buffer. The landscaped buffer strip must be at least 5 feet in width along the building foundation. An exception to this requirement is allowed where the building square footage exceeds 75,000 and where raised 15-gallon planters containing evergreen shrubs/trees are provided on both sides of all pedestrian ingress and egress locations.
- (g) *Construction cleanup, maintenance, and landscaping of disturbed land.* During the construction of a project, the requirements found in Sec. 44-446-10(a), (b) and (c) apply.
- (h) *Parking areas, including perimeter and internal areas, must be landscaped in conformance with Sec. 44-523(d) and (e).*

Figure 44-430.11-2. Parking design.



Sec. 44-430.12. Parking.

The requirements found in Article V, Division 5 apply to off-street parking. An exception to the number of parking space requirements may be considered for parking within a planned development special district during the rezoning process based upon documented industry standards or market studies. The following requirements also apply:

- (a) Generally.
 - (1) Parking is discouraged in the area between the road and the front or side of a principal building or structure. If parking is proposed within this area, the parking area landscaping requirements in Sec. 44-523(d) and (e) must be met.
 - (2) *On-street parking permitted.* The number of required off street parking spaces is reduced by the number of on street parking spaces permitted along the lot frontage of the proposed development.
- (b) *Off-street loading.* Off-street loading must be screened as provided in Sec. 44-526. No space designated as a required off-street parking space, for the general public, can be used as off-street loading space or maneuvering room for vehicles being loaded or unloaded.
- (c) *Interior parking.*
 - (1) When a parking lot is located in front of a building, a pedestrian walkway must connect a customer entrance to the public street.
 - (2) Shared parking lots can be located in the interior sections of multiple-building developments provided screening, buffering, landscaping, pedestrian amenities and setbacks are followed.
- (d) *Connected parking areas.* Properties within the MUC-O shall connect interior parking and driveways. Where adjacent property is vacant, sufficient provisions to connect to the properties shall be submitted.
- (e) *Commercial vehicle parking.* Only one parked commercial vehicle can be visible from streets.
- (f) *Bicycle parking.* A multi-building development should include an area for parking bicycles.

Figure 44-430.12-1. Parking options.



Sec. 44-430.13. Pedestrian design.

These standards are designed to provide a unified and well-organized arrangement of buildings, service areas, parking, pedestrian and landscaped common areas (including pocket parks), maximum comfort and convenience of visitors and employees. Commercial buildings are grouped in relation to parking areas such that, after visitors arriving by automobile enter the walkway system, establishments can be visited conveniently with a minimum of conflicts with vehicles. Pedestrian design enhancements are required in order to create an efficient and functional environment as well as promoting a sense of place.

(a) *Pedestrian design requirements.* For multi-tenant/building/parcel projects, the site plan must include provisions for pedestrian-scale amenities, which may include benches, picnic tables, pocket parks, courtyards, plazas, water attractions and trash receptacles. An area must be reserved for pedestrian use and/or open space and be improved and maintained accordingly. Such areas may include covered malls for general pedestrian use, exterior walkways/crosswalks, outdoor seating areas where the facilities are available for common use by employees and visitors. Required buffer areas and setbacks as well as improved deck and roof areas may be used to meet this requirement.

Figure 44-430.13-1. Pedestrian amenities.



- (b) *Heavy traffic generators.* Convenience stores, fast food restaurants and similar uses, if provided, must be located so that operations do not block pedestrian or traffic flows in other parts of the development.
- (c) *Location of loading zones and maintenance areas.* Loading zones where customers pick up goods must be located and arranged to prevent interference with pedestrian movement within the development. Facilities and access routes for shopping center deliveries, servicing, and maintenance must be located and arranged to prevent interference with pedestrian traffic in the center.
- (d) *Pedestrian travel.* All buildings or building clusters within the development must be connected with linkages other than roads (sidewalks, bikeways and walking paths). When feasible, as determined by the planning director, linkages must be provided between adjacent existing developments and/or continue to the site parcel line to provide access to adjacent future developments. Pedestrian access may be provided at any suitable locations within the district but, where practicable, be separated from vehicular access points in order to reduce congestion, marginal friction and hazards, except where signalization is used in such a manner as to control pedestrian and vehicular movements safely.

Sec. 44-430.14. Lighting.

This Section provides direction in controlling light spillage and glare so as not to adversely affect motorists, pedestrians, and land uses of adjacent properties. Lighting intensities should be controlled to ensure that light and glare are not directed at adjacent properties, neighboring areas, and motorists. The following general provisions apply:

- (a) Generally.
 - (1) Light fixtures (not attached to buildings) must be affixed to a pole, which may be of metal, fiberglass, or concrete. Wooden poles are not permitted.
 - (2) All fixtures must be either semi-cutoff or full-cutoff fixtures only.
 - (3) The maximum height of the light source (light bulb), detached from a building, is 20 feet. An exception to the light height requirement may be considered for light fixtures up to 35 feet within a planned development special district during the rezoning process.
 - (4) No fixture can be located in close proximity to residentially zoned property which would contribute to light spillage upon the residential property.

- (b) *Outdoor illumination of building, landscaping and signs.* The following provisions apply to the outdoor illumination of buildings, landscaping and signs:
- (1) Floodlights, spotlights or any other similar lighting cannot be used to illuminate buildings or other site features unless they are an integral architectural element that is designated on the development plan. Floodlights or other type of lighting attached to light poles that illuminate the site and/or building(s) are prohibited. When approved, exterior lighting should be integrated with the architectural character of the building.
 - (2) The unshielded outdoor illumination of any building or landscaping is prohibited. To avoid light spillage, only semi-cutoff, cutoff, or full cutoff fixtures can be used.
 - (3) Lighting fixtures used to illuminate a sign must either be by directed ground lighting sign or mounted on the top of the sign and be shielded from the sight of passing motorists.
- (c) *Lighting for convenience store aprons and canopies.* In addition to the provisions of Subsections (a) and (b) above, the following provisions apply:
- (1) The lighting fixture bulbs must be recessed into a canopy ceiling so that the bottom of the fixture is flush with the ceiling so that light is restrained to no more than 85 degrees from vertical.
 - (2) As an alternative to recessed ceiling lights, indirect lighting may be used where the light is directed upward and then reflected down from the underside of the canopy. In this case, light fixtures must be shielded so that direct illumination is focused exclusively on the underside of the canopy.
 - (3) Lights shall not be mounted on the top or sides (facia) of the canopy, and the sides of the canopy cannot be externally illuminated.
 - (4) The lighting for new facilities (pump islands and under canopies) cannot exceed the average horizontal illumination of 10 foot-candles at grade level.

Figure 44-430.14-1. Lighting.



- (d) *Prohibited lighting and fixtures.* The following are prohibited:
- (1) Vertical burn lamps, and similar lighting fixtures.
 - (2) Canopies and awnings used for building accents which have internal illumination.
 - (3) Flashing, colored or obtrusive lighting.

- (4) The use of laser source light or any similar high intensity light for outdoor advertising or entertainment.
- (5) The operation of searchlights for advertising purposes.
- (6) Black lights and neon lights (including argon and similar rare gas fixtures), except for signage.

Sec. 44-430.15. Signs.

The following requirements apply to all signage.

- (a) *Generally.* All signs delineated on a detailed site plan must conform to the requirements in Article V, Division 7, except where the requirements included in this Subsection are more restrictive. The following also apply:
 - (1) No freestanding on-site sign larger than 6 square feet may be located closer than 100 feet from another similar or larger sign.
 - (2) All signs must be located to avoid impeding the view of motorists or pedestrians.
 - (3) No signs can be located in any street right-of-way. Signs may be placed in the landscaped buffer areas.
 - (4) An exception to the standards in Subsection (b)(1) and (2) below may be considered for signs within a planned development special district during the rezoning process.
- (b) *Permitted signs.* The following signs are permitted:
 - (1) One freestanding sign, having no more than 2 sign surface areas, may be erected. The signs may not exceed 100 square feet per side for back-to-back signs and may not be over 20 feet in height.
 - (2) One wall sign or awning sign is permitted for individual establishments or buildings within the project for each wall exposed to adjoining streets. The sign must be mounted on the building and not extend above its lower roofline. The sign cannot exceed 10% of the area of the specific business wall involved, up to a maximum of 30 square feet.
 - (3) Signs directing traffic are permitted but cannot exceed 5 square feet per side.
- (c) *Prohibited permanent signs.* The following are prohibited as permanent signs but may be used in association with grand openings or other special events for a period of not to exceed 30 days:
 - (1) Portable signs.
 - (2) Roof signs.
 - (3) Mechanical movement signs.
 - (4) Posters, streamers, or similar devices used to attract attention to the site, advertise a product or communicate a message.
 - (5) Windblown signs (banners, balloons, streamers, etc.).

Figure 44-430.15-1. Signs.



This 22nd day of January, 2008.

9. Appointments: None

10. Consent Agenda:

County Manager J. Thomas Lundy presented the following items under the consent agenda and noted all were with the recommendation of subcommittees:

a. A request for the Board to approve the amendment of three of Social Services' 31 budget outcomes for Fiscal Year 2007-2008. These outcomes were developed on the basis of projected data and policy which, at times, may change during the course of a year. Staff members review outcomes monthly to assess achievement and unanticipated challenges. Year to date analysis reflects the need to revise three budget outcomes based on unanticipated data and/or policy implications.

1) Staff proposed changing a current outcome to assure the continuing safety of children, from having 94% of families who have had a child maltreatment incident have no new incidents within six months to having 87% of families who have had a child maltreatment incident (meaning substantiation of an incident or an "in need of services" finding) with no new incidents within six months. During the last fiscal year and thus far in this fiscal year, this outcome fell short, as only 84% of families had no new child maltreatment incidents within six months. Although the federal expectation is a 96% rate, during the latest Child Welfare Federal Review, the average rate realized nationally was 85%. Changing this goal to 87% for Catawba County is not only challenging, but also more realistic based on all information available. Catawba County has a high rate of reporting compared to other counties. This may, in part, be the result of the community's responsiveness and Social Services' co-location with partners such as law enforcement and schools. It is unrealistic to assume this existing outcome could be met, so Social Services suggests a more reasonable level of attainment.

2) Staff proposed that a current outcome, that 60% to 62% of children would be adopted within two years of entering agency custody, be changed to at least 62% of children being adopted within two years of entering agency custody, excluding cases that are appealed. Catawba County already greatly exceeds the Federal benchmark of 32% and the State benchmark of 37%. There are two points in the process at which a biological parent may appeal. Staff requests the addition of the "appeal" language to help remove issues that are out of their control. Three cases currently under appeal may take up to 11-15 months to be heard, and the agency has no way to cause courts to move faster on appeals.

3) Staff proposed changing a current outcome, to help citizens become productive and avoid welfare by assisting 110 Work First participants to find employment during Fiscal Year 2007/08, to assisting 80 Work First participants to find employment during FY 2007/08. This outcome was based on information from the last fiscal year. In November 2007, the State reported that its benchmark for this statistic was 41 participants. This mirrors what Catawba County Social Services is seeing, as the average number of "able bodied adults" has decreased by 95% since the outcome was created. Since Catawba County's current average caseload is 22, it is believed that a goal to assist 80 Work First participants will be challenging.

b. A request for the Board to accept grant funds from the North Carolina Department of Crime Control and Public Safety in the amount of \$19,286.77. These funds will support the continuation of LifeSkills II, an after-school program that involves at-risk students in the sixth through eighth grades. The twelve week program offers tutoring, education and peer mentoring designed to help youth build life skills to avoid substance use and risk-taking behaviors. The program is coordinated by a full-time 4-H Associate employed through NC Cooperative Extension, with assistance from a teacher from the participating school.

c. A request for the Board to approve a partnership with the Western Piedmont Council of Governments (WPCOG) to increase Internet bandwidth. Increased bandwidth allows for faster access to services for the public, faster access for web based applications and faster access for personnel. It opens up possibilities to provide new and more user interactive applications from the County's web page. The WPCOG, which is connected to the County's Wide Area Network, has a separate 3 Mb Internet connection shared with Newton, Conover and Maiden. Catawba County uses the WPCOG Internet connection to access the NC Division of Criminal Information, giving Communications Center and law enforcement personnel access to criminal information. This connection has become inadequate for their needs, and they also need more bandwidth.

This partnership will provide increased bandwidth for both the County and the WPCOG at less cost than other options. The County's Technology budget for Fiscal Year 2007/2008 included funding for a bandwidth increase. By employing new technology and new services, the County can increase its bandwidth to 20Mb. By partnering with the WPCOG for shared bandwidth, 50 Mb will be available. The WPCOG has agreed to pay the difference between the cost of a 20Mb connection and a 50 Mb connection, which would be \$1915 per month. These funds will be appropriated to the County's Technology Department to cover the increased cost of the 50Mb connection. The proposed agreement will be for 36 months.

d. A request for the Board to award a bid for a landfill grinder to C.W. Mill Equipment of Lincolnton, NC, in the amount of \$450,000. This amount includes a trade-in of a 1993 Morbark Tub Grinder that has 5300 hours of service. The new grinder will be used to grind brush, trees, furniture, wood, stumps and pallets. The County's Blackburn Landfill receives approximately 8,000 tons of material per year that is ground into mulch. Mulch is sold to citizens and used in the landfill during wet periods to keep dumping areas open to customers. Formal bids for a grinder were received on November 28, 2007. The bid package included the alternate trade-in of the 1993 Morbark Tub Grinder and asked for a five year/6,000 hour power train warranty. Bids were received from C.W. Mill Equipment, Public Works Equipment, Morbark, Ditch Witch of the Carolinas, Vermeer Mid Atlantic and H&E Equipment. C.W. Mill Equipment was one of the two lowest bidders and the equipment met or exceeded County specifications. Public Works Equipment was the other lowest bidder, but its equipment did not meet the specification required.

Chair Barnes asked if any of the Commissioners wished to have an item broken out of the consent agenda and none were requested. Commissioner Barger made a motion to approve the consent agenda. The motion carried unanimously.

11. Departmental Reports:

a. Planning:

1. Jacky Eubanks, Planning Director, came forward and presented a request for the Board to appropriate \$180,000 from the County's Parks Preservation Trust Fund and authorize an application for a North Carolina Parks and Recreation Trust Fund (PARTF) Grant for the renovation and

reactivation of St. Stephens Park. The nine acre St. Stephens Park was created in 1979 and developed with a \$75,000 Land and Water Conservation Fund (LWCF) grant awarded to the County on behalf of the St Stephens Recreation Corporation. The park has been operated by the City of Hickory since 1980, with usage diminishing over the past few years. The City of Hickory has no interest in operating the facility any longer and closed the park in the summer of 2005. The contract for the LWCF grant requires the applicant to operate the facility in perpetuity, however.

Staff has contacted Recreation Resource Services, administrator of the LWCF grant, seeking a change of use from an active recreation facility to a passive recreation facility, similar to the parks the County currently operates. The following activities are necessary to comply with LWCF contract requirements: (1) Since estimated repairs needed to reactivate a swimming pool are in excess of \$300,000, the County would fill in the existing pool, and the pool area would be converted to educational landscape and urban forestry display gardens. Educational gardens would be used throughout the site and be one of the park's primary attractions. (2) A bath house would be converted into a small office space, restrooms and a meeting room that would be used for educational programming. (3) Existing asphalt parking would be sealed and re-stripped and signage would be updated. (4) An existing picnic shelter that is in a state of disrepair would be replaced at its current location. The replacement shelter would be slightly enlarged to accommodate at least six picnic tables, with a goal to provide enough space for one classroom of students. Grills will also be installed. (5) A new gravel surfaced trail, between ¼ and ½ mile in length, would be added and designed to connect to a paved trail at nearby Clyde Campbell Elementary School through a gated entrance. Educational kiosks would be placed along the trail. (6) A new natural surface trail, between ¼ and ½ mile in length, would be added in a wooded and habitat areas of the site and along Snow Creek. Educational kiosks would be placed along the trail. (7) A new 1.5 to 2 acre dog park would be installed in an open area. The demand for the current dog park at Riverbend Park, the only dog park in the county, continues to grow and generates revenue of over \$5000 dollars a year. Since the St. Stephens Park is located near a highly populated area, a dog park would likely be a highly desired and used amenity, the main attraction at the park, and convenient for a large group of users throughout the county. (8) New horseshoe pits would be installed. (9) An existing playground area would be renovated and given safety improvements. This playground and equipment is relatively new and in very good condition. While this is not an amenity that is normally at the County's existing parks, the guidelines of the LWCF grant require that it remains. (10) A demonstration composting and recycling area could be installed at the site as part of educational programming. (11) Materials used in the renovations would be sustainable, economical, and green-friendly when possible and economical.

In an effort to reduce operational cost of this facility, staff recommended the park initially be open on a four day per week schedule using part-time park employees, with built-in flexibility which may include weekends and regular weekdays. While attendance and use statistics indicate the County's existing parks should be operated six days a week, which has been proposed, a limited schedule will work at this site, for the short term, to gauge interest and demand. A decision on the days and hours of operation at St. Stephens Park will be made after two years of operation. An existing part-time park ranger position would be converted to full-time so staff will be able to complete all in-house elements of the St. Stephens Park renovation as scheduled, by November 1, 2008. The Parks Division budget currently has a funded, vacant full-time position that will meet this need. Once the St. Stephens project is completed, the full-time position will be required for a future six day a week schedule at Riverbend Park as recommended in the Catawba County Parks Master Plan. The St. Stephens Park is expected to reopen in November or December of 2008.

Chair Barnes said the County had been very fortunate to get PARTF grants before and hoped the County was successful with this. Mr. Lundy said another parks issue/PARFT funds would be coming before the Board for Mountain View.

Citizen Michael Roth suggested turning the pool into a skateboarding park but this did not fit into the County's policy of passive parks.

Vice-Chair Lynn Lail made a motion to appropriate the funds and apply for the PARTF grant funds, authorize the Chair to sign the grant application, note the beginning of operations in the last half of 2008/early 2009 and to adopt the following resolution. The motion carried unanimously.

RESOLUTION NO 2008 –

SUPPORTING THE APPLICATION FOR A PARKS AND RECREATION TRUST FUND GRANT (PARTF) TO RENOVATE AND IMPROVE ST. STEPHENS PARK.

WHEREAS, the Catawba County Board of Commissioners adopted the Catawba County Comprehensive Parks Master Plan on December 17, 2007;

WHEREAS, the Catawba County Comprehensive Parks Master Plan includes a Recreation Needs Assessment and associated Goals and Objectives;

WHEREAS, the Catawba County Comprehensive Parks Master Plan specifically lists St. Stephens park as a high priority project to renovate and improve the facility as a passive recreation park; and

WHEREAS, the Catawba County Comprehensive Parks Master Plan recommends obtaining grants to maximize appropriated recreation funds.

NOW, THEREFORE, BE IT RESOLVED, we, the Catawba County Board of Commissioners, being the official governing body of Catawba County, in North Carolina, do hereby authorize:

- The Catawba County Planning, Parks and Development Department to apply for a Parks and Recreation Trust Fund (PARTF) grant in the amount \$106,500 total grants eligible cost. The PARTF match would be 50% or \$53,250. The County's match would be 50% or \$53,250 plus an additional amount of \$73,500 for the grant ineligible cost including the pool removal and bathhouse conversion, for a total project cost of \$180,000;
- The Catawba County Board of Commissioners Chairperson to sign the grant application;
- The appropriation of \$180,000 from the Catawba County Parks Preservation Trust Fund which has a current balance of approximately \$247,181;
- Staffing the park with hourly part-time employees on a limited schedule to include a four day operation for one-half of the 2008-09 fiscal year; and

This the 22nd day of January, 2008.

2. Jacky Eubanks, Planning Director, requested the Board adopt a resolution in support of a Clean Water Management Trust Fund (CWMTF) grant application, to acquire a tract known as the "Mountain Creek tract" on Lake Norman. During the Federal process of relicensing Duke Power's hydroelectric system along the Catawba River chain, Catawba County identified a 600-acre tract of land on the Mountain Creek arm of Lake Norman, owned by Carolina Centers/Crescent Resources, which would be suitable for the County's third passive recreation park. The Mountain Creek location would serve the growing Sherrills Ford area and the surrounding region. As part of the relicensing agreement, Duke Energy agreed to provide financial assistance up to \$1.14 million to acquire the Mountain Creek tract, provided that a purchase option was executed by December 31, 2007 and the final purchase of the property occurred by August 1, 2009. The County met the first deadline through execution of a purchase option agreement on December 13, 2007. In order to secure the remaining funding necessary to acquire the Mountain Creek tract, the County negotiated a development agreement with Crescent Resources as part of the rezoning of the Village Center at Highway 150 and Slanting Bridge Road. The development agreement requires Crescent Resources to act in good faith to secure funding through public sources, such as the CWMTF, to acquire the 600-acre Mountain Creek tract. The development agreement states that Crescent Resources is required to obtain baseline data, conduct a survey of the property and apply for a CWMTF grant. Using Crescent Resources' background data and application information, Catawba County will be the applicant for the grant, as the CWMTF allows only local governments or non-profits to be applicants. Crescent Resources has acquired the services of the Catawba Lands Conservancy to develop a CWMTF application and County staff has been coordinating with the Conservancy on the application, which must be submitted by February 1, 2008. As part of the application for the Fund, a resolution must be adopted by the Board of Commissioners which officially acknowledges submittal of the application and states that the County will carry out the "functions and obligations" of the grant and commits itself to complete the work as indicated in the grant.

Commissioner Barger made a motion to adopt the below resolution that support the grant application and authorized the County Manager to sign behalf of the County. The motion carried unanimously.

RESOLUTION #2008-
**SUPPORTING THE APPLICATION FOR A CLEAN WATER MANAGEMENT TRUST FUND
(CWMTF) GRANT TO ACQUIRE THE MOUNTAIN CREEK TRACT ON LAKE NORMAN**

WHEREAS, Catawba County is applying to the North Carolina Clean Water Management Trust Fund ("the Fund") for grant funds to acquire the Mountain Creek tract on Lake Norman for a future regional passive recreation park; and

WHEREAS, if the North Carolina Clean Water Management Trust Fund approves funding of the project as described in the grant application, the Fund will prepare a Grant Agreement for execution by Catawba County; and

WHEREAS, the Grant Agreement will specify the terms and conditions under which the Fund will provide the grant funding; and

WHEREAS, the Grant Agreement will require Catawba County to perform certain functions and obligations in order to carry out the work described in the grant application.

NOW, THEREFORE, BE IT RESOLVED:

That the Catawba County Board of Commissioners assures the North Carolina Clean Water Management Trust Fund that it understands the functions and obligations to which Catawba County is committing itself in order to carry out the work described in the grant application, and further agrees that Catawba County will proceed with diligence to perform those functions and obligations to accomplish the work described in the grant application.

This the 22nd day of January, 2008

b. Mental Health

John Hardy, Mental Health Director, requested the Board approve an Integration Plan, Board By-Laws, Mission Statement, and an approach to benefits and operations functions for the merger of Burke and Catawba County mental health services into one multi-county area authority. This plan and accompanying documents were presented to the Board of Mental Health Services of Catawba County at its regular meeting on December 20, 2007 and approved for transmittal and final approval by both the Burke and Catawba County Boards of Commissioners.

This plan is the work of an Integration Committee which was comprised of equal representation from each county, including one commissioner from each (with Commissioner Lynn Lail representing Catawba County). The Integration Committee met five times with excellent attendance and participation. Its intent was to work through a list of details to move closer to creating or modifying the existing Catawba County Area Authority. Generally, the recommendations are to modify the existing governance structure to incorporate Burke County into a newly named organization called "Mental Health Partners". This modified structure includes new by-laws reflecting those adjustments, and organizes new services and employee benefits either by outsourcing them or purchasing them, via Catawba County, for the next two years.

While all the details for the new entity are not fully in place, the Integration Committee and Board of Mental Health Services felt the outline of the structure was adequate to present to the respective Boards of Commissioners, in order to get full endorsement as details are finalized. The basic legal question of modifying the existing structure or creating a new structure was reviewed by other County Attorneys. They agreed that modification was the simpler way to proceed, as suggested by the State. The Catawba County Board of Commissioners' Policy and Public Works Subcommittee recommended approval of the Integration Plan, Mission Statement, approach to benefits and operations function, and the by-laws for the merger of Burke and Catawba Counties into one multi-county area authority with two changes to the by-laws which would 1) prohibit employees of Burke and Catawba Counties from serving on the Area Mental Health Board (this would not include employees of the local boards of education or other governmental entities) and 2) provide that, when conducting the evaluation of the Area Director, in addition to comments from the Burke and Catawba County Boards of Commissioners, comments from the respective County Managers will be considered, reflecting the interaction on a day-to-day basis between the Area Authority and the particular county.

Chair Barnes said she was glad Burke County had agreed to the two proposed changes to the By-Laws and Mr. Hardy said they would do their formal adoption on February 5, 2008. Chair Barnes then said she want to say publicly that all her conversations with people from both the Board as well as some citizens in Burke have been very pleased with what has transpired thus far with Mental Health and this merger and have been very complimentary of Mr. Hardy. She thanked him for his hard work. Mr. Hardy responded that he felt the merger would move forward in a positive way and both counties will benefit in the end. Mr. Lundy said he though Mr. Hardy deserved a lot of credit and there had been a lot of work by him, the Mental Health Board and the Integration Committee's part. Mr. Lundy also thanked Mr. Hardy for keeping up with the details and keeping the Board up to date on the progress. Chair Barnes then noted for the entire Board with the County Board Chair for Mental Health and she reiterated the Board's pledge to see this entity functions and functions well and has the resources necessary to make it No. One in the State. She also complimented Vice-Chair Lail for her efforts on the integration.

Vice-Chair Lail made a motion to accept the integration plan, the by-laws with the two changes above, the mission statement and the approach to benefits. The motion carried unanimously.

12. Other items of Business: None.
13. Attorneys' Report. None.
14. Manager's Report. None.

15. Adjournment: Chair Barnes adjourned the meeting at 8:25 p.m.

Katherine W. Barnes, Chair
Board of Commissioners

Barbara E. Morris, County Clerk